

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In Re:)
)
DIAMONDHEAD CASINO)
CORPORATION,)
)
ALLEGED DEBTOR.)

C. A. No. 24-11354-JKS

Chapter 7

FILED
2025 AUG 13 P 12:43
US BANKRUPTCY COURT
DISTRICT OF DELAWARE

MOTION OF DEBORAH A. VITALE FOR LEAVE TO INTERVENE AND BE HEARD IN THE ABOVE CAPTIONED CASE; and

MOTION TO VACATE THE COURT'S OPINION AND ORDER DATED JULY 30, 2025 AND ORDER DATED JULY 31, 2025 AND DISMISS THE INVOLUNTARY PETITION OR, ALTERNATIVELY, TO ALTER AND AMEND THE OPINION AND ORDERS; and

MOTION FOR A STAY OF THE COURT'S OPINION (D.I. 42) AND ORDER (D.I. 43) DATED JULY 30, 2025 AND ORDER (D.I. 45) DATED JULY 31, 2025 PENDING RESOLUTION OF THE APPEAL

Deborah A. Vitale, an equity security holder of the Debtor and Trustee of the Europa Cruises Corporation Stock Ownership Plan, respectfully moves this Court:

- i) for leave to intervene and be heard in the above-captioned case pursuant to Federal Rule of Bankruptcy 2018(a); and
- ii) to vacate the Court's Opinion (D.I. 42) and Order (D.I. 43) dated July 30, 2025 and Order (D.I. 45) dated July 31, 2025 and dismiss the Petition or, alternatively, alter and amend the Opinion (D.I. 42) and Orders (D.I. 43 and D.I. 45); and

iii) to stay the Court's Opinion (D.I. 42) and Order (D.I. 43) dated July 30, 2025 and Order (D.I. 45) dated July 31, 2025 pending resolution of the Movant's appeal.

Deborah A. Vitale (hereinafter "the Movant") is timely appealing the Court's Opinion (D.I. 42) and Order (D.I. 43) dated July 30, 2025 and its Order (D.I. 45) dated July 31, 2025. To preserve the status quo and prevent irreparable harm, the Movant seeks a stay of the Opinion (D.I. 42) and Order (D.I. 43) dated July 30, 2025 and the Order (D.I. 45) dated July 31, 2025, pending resolution of the Movant's appeal.

The Movant is a significant equity security holder of the Debtor. The Movant owns i) 767,000 shares of common stock; ii) 447,272 shares of fully vested common stock in the Debtor's Employee Stock Ownership Plan; and ii) 2,965,000 of the Debtor's common stock options. In addition, the Movant is the Trustee of the Europa Cruises Corporation Employee Stock Ownership Plan ("ESOP"), which was established by the Debtor in 1994 and is one of the largest equity security owners of the Debtor. The Movant has a direct and substantial interest in the administration of the estate and the disposition of its assets. As Trustee of the ESOP, the Movant has an additional and substantial interest in the administration of the estate, the protection of the Debtor's shareholder value, and the disposition of its assets.

Rule 2018(a) permits an interested entity to intervene in a bankruptcy case upon a showing of cause. The Movant respectfully submits that cause exists here due to the impact the Orders entered herein have already had and will have on the Movant's and the ESOP Plan's substantial equity interests.

In the interest of judicial economy, as grounds for this motion, the Movant incorporates herein by reference, the facts and arguments set forth in the following motions of the alleged Debtor, together with the notices, briefs, exhibits, declarations and proposed orders filed in support thereof or therewith:

- a) the Motion of the Alleged Debtor, Diamondhead Casino Corporation, to Vacate the Court's Opinion and Order dated July 30, 2025 and Order dated July 31, 2025 and dismiss the Petition or, alternatively, alter and amend the Opinion and Orders;
- b) the Motion of the Alleged Debtor, Diamondhead Casino Corporation, for a Stay of the Court's Opinion (D.I. 42) and Order (D.I. 43) Dated July 30, 2025 and Order (D.I. 45) dated July 31, 2025, Pending Resolution of the Appeal.

Dated: August 13, 2025

Respectfully submitted.

/s/ Deborah Vitale

Deborah Vitale

1866 Carpenter Road

Alexandria, VA 22314

727-510-1412

Email: vitaledav@aol.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served, via first-class mail, postage prepaid, this 13th day of August, 2025, on the following:

Jonathan M. Stemerman, Esquire
Armstrong Teasdale, LLP
1007 N. Market Street, 3rd Floor
Wilmington, DE 19801

Robert D. Goldberg
Biggs & Battaglia
921 N. Orange Street
Wilmington, DE 19899-1489

/s/ Deborah Vitale
Deborah Vitale

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U.S. Bankruptcy Court

Delaware Bankruptcy - Wilmington

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Receipt Date: Aug 13, 2025 12:43PM

Deborah Vitale

Rcpt. No: 10095707

Trans. Date: Aug 13, 2025 12:43PM

Cashier ID: #CH (4638)

CD	Transaction	Case/Party/Defendant	Qty	Price	Amt
ST	LiftAutomaticSta	24-11354-JKS	1	199.00	199.00

CD	Tender	Amt
CA	CASH	\$199.00
Total Due Prior to Payment:		\$199.00
Total Tendered:		\$199.00
Total Cash Received:		\$199.00

Debtor: Diamondhead Casino Corporation

Exact change only.